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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,472	05/02/2007	Goran Dahlberg	ABE1-41355	1306
116	7590	04/18/2011	EXAMINER	
PEARNE & GORDON LLP			DEXTER, CLARK F	
1801 EAST 9TH STREET				
SUITE 1200			ART UNIT	PAPER NUMBER
CLEVELAND, OH 44114-3108			3724	
			MAIL DATE	DELIVERY MODE
			04/18/2011	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/594,472	DAHLBERG, GORAN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clark F. Dexter	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 January 2011.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 12-19 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 January 2011 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. The amendment filed on January 25, 2011 has been entered.

### ***Drawings***

2. The drawings were received on January 25, 2011. These drawings acceptable.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 12-19 stand rejected under 35 U.S.C. 102(e) as being anticipated by Matsuura, Pub. No. 2004/0237317.

Matsuura discloses a device with every structural limitation of the claimed invention as described in detail for claims 1-11 in the previous Office action (mailed 2/23/10). For example, regarding claim 12, Matsuura discloses the following:

a drive unit (e.g., see the end of paragraph 18) that via a shaft tube (e.g., 1) is connected to a cutting unit (e.g., 5) that is operable to have a cutting movement and that

is turnably secured at the shaft tube and is moveable between a transport position and a working position range at least two positions, the cutting unit being provided with one or several moveable cutting elements (e.g., including 3, 4) that have a cutting movement during operation of the cutting unit,

wherein the tool is provided with first means (e.g., 22, including the structure shown in Figs. 1, 2) for locking operation of the cutting unit and the cutting movement of the cutting elements when the cutting unit is in the transport position,

wherein the tool is provided with a gear (e.g., 13) arranged between the shaft tube and the cutting unit,

wherein the gear comprises a gear housing formed by a first and a second gear housing part (e.g., one of 6, 7) that are turnably supported to one another,

characterized in that one of the gear housing parts is provided with a knob (e.g., the reciprocable portion of 1 as shown in Fig. 4 indicated by the double-headed arrow, and including 20) that engages a stop member (e.g., 19) on the other gear housing part in order to limit the angular motion of the cutting unit to the working position range when an operator is changing the working position of the tool, to prevent that the user unintentionally turns the cutting unit out of the working position range and that the cutting movement of the cutting elements are thereby stopped (Matsuura discloses all of the claimed structural elements and thus is fully capable of performing the claimed function; for example, feature 20 is spring biased toward the opposing gear housing part and will automatically enter into one of the recesses 19 during movement to change the working position of the tool which will prevent that the user unintentionally turns the

cutting unit out of the working position range, and further, the locking together of the appropriate ones of features 19, 20 will prevent that the cutting movement of the cutting elements are thereby stopped by maintaining the cam surface 26a in the operable position in contact with pin 23).

***Response to Arguments***

5. Applicant's arguments filed January 25, 2011 have been fully considered but they are not persuasive.

At the end of the first paragraph on page 6 of the subject response, applicant argues that

*However, Matsuura does not disclose limiting the rotational/pivotal movement of the cutting tool 5 to the range of working positions when the locking mechanism 21 is in a released state.*

However, the Examiner respectfully submits that such a limitation is not claimed. Rather, the claim requires that a knob (e.g., 20) engages a stop member (e.g., 19) in order to limit the angular motion of the cutting unit to the working position range when an operator is changing the working position of the tool. Matsuura meets this limitation in that once feature 20 is released from one of the features 19 and relative movement between the housing portions begins thus changing the working position, spring-biased feature 20 will be disposed between adjacent features 19 and thus will permit movement until 20 intersects and engages (due to the spring bias) the next occurrence of 19.

Regarding applicant's arguments in the second paragraph on page 6 of the subject response, it is respectfully submitted that applicant's argument is not understood since the Examiner is not disputing the disclosure of the present invention with respect to knob 38.

Regarding applicant's argument in the third paragraph on page 6 of the subject response, it is respectfully submitted that the Examiner's position is that the Matsuura discloses all of the structural limitations of the claimed invention.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Clark F. Dexter/  
Primary Examiner, Art Unit 3724**

cfd  
April 15, 2011